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FILED  
HARRISBURG

JAN 31 2001

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARY E. D'ANDREA, CLERK  
Per 9/8  
DEPUTY CLERK

STEVEN L. ROMANSKY,  
Petitioner

Civil Action No. 1:CV-00-1520

v.

(Judge Rambo)

CONNER BLAINE, JR.,  
Respondent

**RESPONDENT'S ANSWER TO WRIT OF HABEAS CORPUS**

D. Michael Fisher, Attorney General of Pennsylvania, by Andrea F. McKenna, Senior Deputy Attorney General, attorneys for Respondent, file this Answer to the above-captioned Writ of Habeas Corpus, supplemented by the accompanying Memorandum of Law, as directed by the Court.

**(A) Exhaustion of remedies**

Petitioner Steven L. Romansky ("Romansky") has raised these claims in the instant petition for federal habeas relief: (1) his conviction was obtained by the Commonwealth's knowing use of false testimony by Agent Russell Thomas and concealment of impeachment evidence relative to Commonwealth witness Thomas Smithers, thus violating his rights to due process of law under the fifth and fourteenth amendments (Petitioner's Claim "A"); (2) he was denied effective assistance of trial counsel when counsel failed to move to suppress evidence obtained through an alleged violation of Pennsylvania's Wiretap Act (Petitioner's Claim "B").

These issues have been exhausted by presentation of both the facts and the legal theory to the state's highest courts.

**(B) Eligibility for habeas relief**

As fully set out in the accompanying memorandum of law, the state courts' determination of the issues presented in this petition for a writ of habeas corpus were neither contrary to nor an unreasonable application of clearly established Federal law, as determined by the Supreme Court of the United States. 28 U.S.C. § 2254(d); *Williams v. Taylor*, 529 U.S. 362 (2000). For these reason, Romansky is not entitled to relief.

**(C) Timeliness of habeas petition**

The instant petition was filed August 25, 2000. The one year period in which to seek federal habeas relief runs from the date on which the judgment under attack becomes final. 28 U.S.C. § 2244(d)(1)(A); 2244(d)(2)(time during pendency of properly filed application for state post conviction relief shall not count toward period of limitations). The Pennsylvania Supreme Court order denying discretionary review of the Superior Court's affirmance of the denial of post conviction relief was issued July 25, 2000. The instant petition is timely filed.

**(D) Trial transcript portions deemed relevant to disposing of claims**

Trial testimony of Russell Thomas, appended.

**(E) Untranscribed Proceedings**

Only portions of Romansky's trial on September 15, 1986, before the Court of Common Pleas of Wayne County have been transcribed: specifically, the testimony of Commonwealth witnesses Trooper Walter Moschowsky and Agent Russell W. Thomas. The testimony of

Commonwealth witness Thomas Smithers has not been transcribed. Respondent does not deem this testimony relevant.

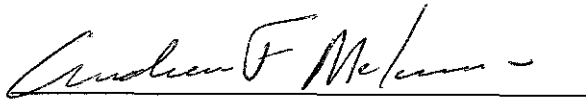
**(F) Attached Appendices**

(1) Trial testimony of Russell Thomas; (2) Petition for Post Conviction Relief filed September 18, 1995; (3) Amended Petition for Post Conviction Relief filed January 4, 1999; (4) State trial court opinion denying post conviction relief; (5) Petitioner's Superior Court brief appealing denial of post conviction relief; (6) Commonwealth's Superior Court brief; (7) Superior Court opinion affirming denial of post conviction relief; (8) State Supreme Court order denying discretionary review of Superior Court opinion

Respectfully submitted

D. MICHAEL FISHER  
Attorney General

By:

  
ANDREA F. McKENNA  
Senior Deputy Attorney General  
(Attorney I.D. #39717)

Office of Attorney General  
Appeals & Legal Services Section  
16th Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 787-6348

Dated: January 31, 2001

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN L. ROMANSKY,	:	
Petitioner	:	Civil Action No. 1:CV-00-1520
	:	
v.	:	
	:	(Judge Rambo)
CONNER BLAINE, JR.,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a copy of the foregoing **Answer** and **Memorandum of Law** upon the person(s) and in the manner indicated below:

Service by first class mail  
addressed as follows:

Steven L. Romansky AY-8324  
SCI Waynesburg,  
175 Progress Drive  
Waynesburg, Pa 15370-8090  
(*pro se*)



ANDREA F. McKENNA  
Senior Deputy Attorney General  
Attorney I.D. No. 39717  
(Counsel for Respondent)

Office of Attorney General  
Appeals and Legal Services Section  
16<sup>th</sup> Floor, Strawberry Square  
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